

UNITED STATES DISTRICT COURT

WESTERN

DISTRICT OF TEXAS

FEB 14 2008

EL PASO DIVISION

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXASUNITED STATES OF AMERICA
v.

HECTOR ENRIQUE PIZANA

CRIMINAL COMPLAINT

Case Number: EP:08-M-166 MC

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about February 5, 2008 in El Paso County, in the Western District of Texas defendant(s) did,

(*Track Statutory Language of Offense*)
being a United States citizen, travel in foreign commerce and engage in illicit sexual conduct with a minor, and that the offense occurred during a period of time where defendant was required by Federal or other law to register as a sex offender.

in violation of Title 18 United States Code, Section(s) 2423(c) and 2260A.

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

see attached statement.

Continued on the attached sheet and made a part of this complaint: Yes No



Signature of Complainant

Leah R. Cottam
Printed Name of Complainant

Sworn to before me and signed in my presence,

February 14, 2008

Date

at

El Paso, Texas

City and State

Michael McDonald, U.S. Magistrate Judge

Name and Title of Judge



Signature of Judge

PROBABLE CAUSE STATEMENT

1. I, Leah R. Cottam, hereinafter referred to as Complainant, am a Special Agent of the Federal Bureau of Investigation (FBI), and am assigned to investigate violations of Federal Criminal Law, to include travel in foreign commerce for sexual conduct with a minor.

2. The information contained herein is based on the Complainant's personal knowledge and observations made during the course of this investigation, information conveyed by other law enforcement personnel, and the review of records and documents obtained during this investigation.

3. On February 12, 2008, FBI El Paso received information from El Paso Police Department Crimes Against Children Detective Jaime Reyes that Hector Enrique Pizana, a 22-year old male United States citizen and registered sex offender, had taken a 15-year old minor (hereinafter referred to as the minor victim), to Mexico for the purpose of engaging in sexual conduct.

4. In October 2007, the minor victim's mother, Jeri Bard (hereinafter referred to as Bard), contacted EPPD to advise of the sexual relationship between Pizana and the minor victim. Bard found out about the relationship after viewing text messages sent between the minor victim and Pizana. The text messages discussed the sexual conduct between the minor victim and Pizana. The minor victim admitted the sexual relationship to Bard. At the time, Bard decided not to file charges against Pizana if the Pizana did not have further contact with the minor victim. However, Bard later learned that the minor victim continued to have contact with Pizana, and that Pizana provided the minor victim with a cell phone to contact him since Bard had taken away the minor victim's phone.

5. In November 2007, Detective Reyes telephonically contacted Pizana and advised Pizana against further contact with the minor victim. During the telephone call, Detective Reyes also determined Pizana knew the minor victim was in fact a minor.

6. On the evening of February 5, 2008, Bard and her husband, Terry Bard (hereinafter referred to as Terry) reported the minor victim missing to EPPD. Terry stated he advised the minor victim earlier that day they were going to press charges against Pizana for his conduct. After arguing with her parents, the minor victim went outside and did not return. It was then that Bard and Terry notified EPPD officers the minor victim was missing. It was later determined the minor victim had gone to a nearby restaurant and called Pizana to pick her up. He did pick her up, and they drove around El Paso for awhile, until Pizana told the minor victim he

needed to go to Mexico. He then drove down to Mexico with the minor victim. That night they stayed at a motel in Juarez, Mexico, and then stayed with Pizana's friends after that.

6. On February 9, 2008, the minor victim sent an email message to Bard, advising she was located in Juarez, Mexico with Pizana. On February 10, 2008, Bard received the email and then communicated several times via email with the minor victim. In the email communications, the minor victim stated Pizana could not return to the United States because of the circumstances. The minor victim knew they were in trouble, and was afraid the police might become involved.

7. Bard arranged to meet the minor victim in Juarez on February 10, 2008 to bring her a change of clothing. As a result, the minor victim was recovered from Mexico that same day and brought back to the United States. However, Pizana continued to contact the minor victim by sending her text messages, including a message he sent on February 12, 2008, wherein Pizana told the minor victim to go downtown and cross the bridge into Mexico, and he would meet her there. He provided a Juarez telephone number where she could contact him. However, the minor victim did not return to Mexico.

8. In a statement given to Detective Reyes on February 11, 2008, the minor victim advised the last time she had sex with Pizana was 12:00 NOON on February 10, 2008 in Juarez, before she returned to the United States. She had sex with him during the course of their relationship approximately 10 times, in El Paso, Texas, then in Juarez.

9. On February 13, 2008, Assistant United States Attorney J. Brandy Gardes, Western District of Texas, authorized the prosecution of Hector Enrique Pizana for violation of Title 18, United States Code (USC), Sections 2423(c) and 2260A, traveling in foreign commerce for sexual conduct with a minor.

10. Based upon the information above, the Complainant has probable cause to believe that on February 5, 2008, Hector Enrique Pizana committed the offense of traveling in foreign commerce for sexual conduct with a minor, in violation of Title 18, USC Sections 2423(c) and 2260A.